

REMARKS

The Examiner rejects claims 1, 2, 4, 5, 7- 13, and 19 under 35 U.S.C. §103(a) as being unpatentable over Janky (U.S. Patent No. 5,629,693) in view of Doshay (U.S. Patent No. 6,324,393). The claimed invention claims a method and an apparatus for determining a geographic position of a mobile device in a wireless communication system. If a positioner in the mobile device can determine the geographic position, a transceiver in the mobile device transmits the geographic position information to the wireless communication system. If the positioner cannot determine the geographic position, the transceiver transmits a tone to the wireless communication system, where the wireless communication system determines the geographic position of the mobile device based on the transmitted tone.

Janky describes a wireless device in a vehicle that monitors the location of the vehicle. Responsive to a request from a central station, the wireless device reports the location of the vehicle to the central station. See Janky col. 3, ll. 10 – 20. The Examiner acknowledges that Janky fails to teach or suggest a mobile device that transmits a tone if the positioner is unable to determine the geographic position of the mobile device.

Doshay teaches using a wireless transmitter to alternately transmit a pre-recorded voice message and a tone message when a vehicle associated with the wireless transmitter is involved in an accident (col. 2, line 60 to col. 3, line 2). The pre-recorded message contains vehicle identification information, i.e., license number, vehicle identification number, etc., while a central station may apply triangulation processing to the received tone message to determine the location of the mobile station (col. 3, ll. 5 – 27). The Examiner asserts “it would have been obvious ... to provide the teachings of Doshay to said device of Janky in order to more accurately and quickly determine the location of a mobile device in the case of an emergency.” However, contrary to the Examiner’s assertions, there is no motivation to combine Doshay with Janky.

First, because neither Janky nor Doshay support the Examiner's assertion, the Examiner's proffered motivation is purely speculative. Janky and Doshay, taken independently, already provide a process for quickly and accurately determining the position of a vehicle. It is therefore unclear how Doshay would make the position location system taught by Janky faster or more accurate. For at least this reason, there is no motivation to combine Janky with Doshay.

Further, while both Janky and Doshay relate to determining the position of a vehicle, the described methods are unrelated. Janky describes a wireless transmitter that transmits position information responsive to a request from a central station, while Doshay describes a wireless transmitter that alternately transmits vehicle identification information and a tone responsive to detecting a vehicular accident. Because the methods described by Janky and Doshay are unrelated, and because the signals transmitted by Janky and Doshay are triggered by different stimuli, it is unclear how one could combine Janky with Doshay, or how the resulting combination would function. As such, there is no motivation to combine Janky with Doshay.

Even if combined, the combination of Janky and Doshay does not teach the claimed invention. Contrary to the Examiner's assertions, Janky does not disclose a transmitter that transmits geographic position information or a tone depending on whether or not the positioner can determine the position of the mobile device. Instead, Janky assumes that the positioner will always be able to determine the position of the mobile device, and therefore will always be able to transmit the geographic position information (col. 12, ll. 1 – 5). Indeed, Janky never considers what would occur if the positioner could not determine the position of the mobile device. Therefore, Janky does not teach or suggest transmitting the geographic position of the mobile device if the positioner is able to determine the geographic position information. Further, Doshay has nothing to do with transmitting actual geographic position information or transmitting tones only if geographic position information is unavailable. Instead, Doshay

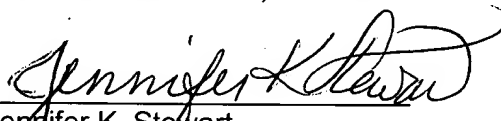
always transmits the tone message, regardless of whether or not geographic position information is available. Therefore, neither Janky nor Doshay, alone or in combination, "transmit the geographic position information if the positioner is able to determine the geographic position information" and "transmit a tone if the positioner is not able to determine the geographic position information," as required by the claimed invention (emphasis added).

In view of the above remarks, Applicant submits that neither Janky nor Doshay, alone or in combination, teach or suggest each and every limitation of independent claims 1, 11, and 19. In addition, because the independent claims are patentably distinct from the cited art, dependent claims 2, 4 – 10, and 12 – 14 are necessarily patentably distinct from the cited art. Therefore, Applicant requests that the Examiner reconsider the rejections and allow the invention of claims 1, 2, 4 – 14, and 19.

While Applicant believes that this response addresses each and every issue of the pending office action, should any issues remain, Applicant requests that the Examiner call the undersigned so that such issues may be expeditiously resolved.

Respectfully submitted,

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